

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CYNTHIA GEIGER,

Plaintiff,

v.

RYAN FULLER SMALLWOOD,

Defendant.

*
*
*
*
*
*
*
*
*

CIVIL ACTION NO.: 3:06cv194-WHA

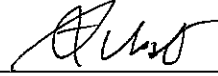
**DEFENDANT RYAN FULLER SMALLWOOD'S
SUPPLEMENTAL OBJECTIONS TO PLAINTIFF'S EXHIBITS**

Comes now the Defendant Ryan Fuller Smallwood and files the following Supplemental Objections to Plaintiff's Exhibits.

2 and 3. The Defendant objects to the Discussion section of Dr. Adams' office note dated January 4, 2005, being the last paragraph of page 6 of Plaintiff's Exhibit 2 and the same note which is part of Plaintiff's Exhibit 3 at page 22. The Plaintiff has now taken Dr. Adams' deposition, so his deposition testimony is the best evidence on this issue. Dr. Adams stated in his deposition that the stenosis and the white spot on the Plaintiff's spinal cord were caused by spondylosis rather than the accident. Dr. Adams' deposition was obviously after the surgery, so he now knows what he removed, that is, an osteophyte and an osteophytic ridge, which has nothing to do with the accident. When Dr. Adams wrote his Discussion note on January 4, 2005, the surgery had not taken place. The Discussion note would also be hearsay. See Rules 801 and 802 of the Federal Rules of Evidence.

4. a. The Defendant reserves any and all Objections to any medical bills relating to the Plaintiff's surgery, as the proper proof has not been offered. The Plaintiff has not established that any medical bills related to the Plaintiff's surgery were reasonable, necessary, or caused by this accident. See APJI 11.09.
- b. The Defendant specifically objects to bills dated January 17, 2005, January 19, 2005, and February 2, 2005 from The Medical Center, Inc. The Plaintiff has not offered the proper proof concerning these bills. There is no proof that this treatment was caused by the accident, and there is no proof that the bills are reasonable and necessary as result of the accident. Dr. Adams did neck surgery on the Plaintiff at C3-4 on January 27, 2005. (Pages 15 and 37 of Dr. Adams' deposition). The surgery was to remove the osteophyte and the osteophytic ridge, both of which had been there for years and neither of which had any thing to do with this accident on September 24, 2004. (Pages 37-38 of Dr. Adams' deposition). Dr. Adams never stated that the diagnostic tests and studies reflected in the bills dated January 17 and 19, 2005 or the surgery reflected in the bill dated January 27, 2005 were caused by or necessary because of the accident on September 24, 2004. See APJI 11.09.
- c. The Defendant objects to Dr. Adams' bill dated January 4, 2005. The Plaintiff has not offered the proper proof concerning this bill. There is no proof that this treatment was caused by the accident, and there

is no proof that the bill is necessary as result of the accident. See
APJI 11.09.



Stanley A. Martin (MAR049)
Attorney for Defendant
Ryan Fuller Smallwood

Post Office Box 2526
Opelika, Alabama 36803-2526
(334) 749-4142
(334) 749-4131 FAX

CERTIFICATE OF SERVICE

I hereby certify that I have this day served an exact copy of the foregoing Defendant's Supplemental Objections to Plaintiff's Exhibits upon the following counsel of record, by depositing a copy of same in the United States Mail, properly addressed with first class postage prepaid thereon.

Honorable Benjamin H. Parr
Post Office Box 229
Opelika, Alabama 36803

This 30th day of April, 2007.



Stanley A. Martin